

Calendar No. 798

110TH CONGRESS
2D SESSION**S. 2370****[Report No. 110–366]**

To clear title to certain real property in New Mexico associated with the
Middle Rio Grande Project, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2007

Mr. BINGAMAN (for himself and Mr. DOMENICI) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment
[Omit the part struck through and insert the part printed in *italie*]

A BILL

To clear title to certain real property in New Mexico associ-
ated with the Middle Rio Grande Project, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Albuquerque Biological
5 Park Title Clarification Act”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to direct the Secretary of
3 the Interior to issue a quitclaim deed conveying any right,
4 title, and interest the United States may have in and to
5 Tingley Beach, San Gabriel Park, or the BioPark Parcels
6 to the City, thereby removing a potential cloud on the
7 City's title to these lands.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) CITY.—The term “City” means the City of
11 Albuquerque, New Mexico.

12 (2) BIOPARK PARCELS.—The term “BioPark
13 Parcels” means a certain area of land containing
14 19.16 acres, more or less, situated within the Town
15 of Albuquerque Grant, in Projected Section 13,
16 Township 10 North, Range 2 East, N.M.P.M., City
17 of Albuquerque, Bernalillo County, New Mexico,
18 comprised of the following platted tracts and lot,
19 and MRGCD tracts:

20 (A) Tracts A and B, Albuquerque Biologi-
21 cal Park, as the same are shown and designated
22 on the Plat of Tracts A & B, Albuquerque Bio-
23 logical Park, recorded in the Office of the
24 County Clerk of Bernalillo County, New Mexico
25 on February 11, 1994 in Book 94C, Page 44;
26 containing 17.9051 acres, more or less.

1 (B) Lot B-1, Roger Cox Addition, as the
2 same is shown and designated on the Plat of
3 Lots B-1 and B-2 Roger Cox Addition, re-
4 corded in the Office of the County Clerk of
5 Bernalillo County, New Mexico on October 3,
6 1985 in Book C28, Page 99; containing 0.6289
7 acres, more or less.

8 (C) Tract 361 of MRGCD Map 38, bound-
9 ed on the north by Tract A, Albuquerque Bio-
10 logical Park, on the east by the westerly right-
11 of-way of Central Avenue, on the south by
12 Tract 332B MRGCD Map 38, and on the west
13 by Tract B, Albuquerque Biological Park; con-
14 taining 0.30 acres, more or less.

15 (D) Tract 332B of MRGCD Map 38;
16 bounded on the north by Tract 361, MRGCD
17 Map 38, on the west by Tract 32A-1-A,
18 MRGCD Map 38, and on the south and east by
19 the westerly right-of-way of Central Avenue;
20 containing 0.25 acres, more or less.

21 (E) Tract 331A-1A of MRGCD Map 38,
22 bounded on the west by Tract B, Albuquerque
23 Biological Park, on the east by Tract 332B,
24 MRGCD Map 38, and on the south by the
25 westerly right-of-way of Central Avenue and

1 Tract A, Albuquerque Biological Park; con-
 2 taining 0.08 acres, more or less.

3 (3) MIDDLE RIO GRANDE CONSERVANCY DIS-
 4 TRICT.—The terms “Middle Rio Grande Conser-
 5 vancy District” and “MRGCD” mean a political
 6 subdivision of the State of New Mexico, created in
 7 1925 to provide and maintain flood protection and
 8 drainage, and maintenance of ditches, canals, and
 9 distribution systems for irrigation and water delivery
 10 and operations in the Middle Rio Grande Valley.

11 (4) MIDDLE RIO GRANDE PROJECT.—The term
 12 “Middle Rio Grande Project” means the works asso-
 13 ciated with water deliveries and operations in the
 14 Rio Grande basin as authorized by the Flood Con-
 15 trol Act of 1948 (Public Law 80–858; 62 Stat.
 16 1175) and the Flood Control Act of 1950 (Public
 17 Law 81–516; 64 Stat. 170).

18 (5) SAN GABRIEL PARK.—The term “San Ga-
 19 briel Park” means the tract of land containing
 20 40.2236 acres, more or less, situated within Section
 21 12 and Section 13, T10N, R2E, N.M.P.M., City of
 22 Albuquerque, Bernalillo County, New Mexico, and
 23 described by New Mexico State Plane Grid Bearings
 24 (Central Zone) and ground distances in a Special

1 Warranty Deed conveying the property from
2 MRGCD to the City, dated November 25, 1997.

3 (6) TINGLEY BEACH.—The term “Tingley
4 Beach” means the tract of land containing 25.2005
5 acres, more or less, situated within Section 13 and
6 Section 24, T10N, R2E, and secs. 18 and 19,
7 T10N, R3E, N.M.P.M., City of Albuquerque,
8 Bernalillo County, New Mexico, and described by
9 New Mexico State Plane Grid Bearings (Central
10 Zone) and ground distances in a Special Warranty
11 Deed conveying the property from MRGCD to the
12 City, dated November 25, 1997.

13 **SEC. 4. CLARIFICATION OF PROPERTY INTEREST.**

14 (a) REQUIRED ACTION.—The Secretary of the Inte-
15 rior shall issue a quitclaim deed conveying any right, title,
16 and interest the United States may have in and to Tingley
17 Beach, San Gabriel Park, and the BioPark Parcels to the
18 City.

19 (b) TIMING.—The Secretary shall carry out the ac-
20 tion in subsection (a) as soon as practicable after the date
21 of enactment of this ~~title~~ *Act* and in accordance with all
22 applicable law.

23 (c) NO ADDITIONAL PAYMENT.—The City shall not
24 be required to pay any additional costs to the United

1 States for the value of San Gabriel Park, Tingley Beach,
2 and the BioPark Parcels.

3 **SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAF-**
4 **FFECTED.**

5 (a) IN GENERAL.—Except as expressly provided in
6 section 4, nothing in this Act shall be construed to affect
7 any right, title, or interest in and to any land associated
8 with the Middle Rio Grande Project.

9 (b) ONGOING LITIGATION.—Nothing contained in
10 this Act shall be construed or utilized to affect or other-
11 wise interfere with any position set forth by any party in
12 the lawsuit pending before the United States District
13 Court for the District of New Mexico, 99-CV-01320-JAP-
14 RHS, entitled Rio Grande Silvery Minnow v. John W.
15 Keys, III, concerning the right, title, or interest in and
16 to any property associated with the Middle Rio Grande
17 Project.

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